

## Section 745 - Body Art Establishments

**745.01 Purpose.** This ordinance is enacted to establish standards to protect health, safety and general welfare of the people of Edina through regulation of body art establishments.

The general objectives of this ordinance are:

- A. To prevent disease transmission;
- B. To correct and prevent conditions that may adversely affect persons utilizing body art establishments;
- C. To provide standards for the design, construction, operation, and maintenance of body art establishments; and
- D. To meet consumer expectations of the safety of body art establishments.

### 745.02 General Provisions.

**Subd. 1. Scope.** This ordinance shall apply to all individuals performing body art procedures and all body art establishments where tattooing and body piercing are conducted.

**Subd. 2. Incorporation by Reference.** Minnesota Statutes 146B is incorporated herein by reference.

**Subd. 3. Prohibitions.** No individual shall:

- A. Operate a temporary body art establishment.
- B. Operate a body art establishment without a license issued by the City of Edina.

### 745.03 Definitions.

**Establishment Plan** means a to-scale drawing of the establishment's layout illustrating the requirements of this ordinance.

**Health Department** means the Edina Health Department, its designated employees, or other designated agents.

### 745.04 License Administration.

**Subd. 1. License Required.** No person shall own or operate a body art establishment without an establishment license. Each license shall be obtained from the City Clerk pursuant to Section 160 of this Code.

**Subd. 2. Licensing Procedure.**

- A. All applications, new and renewal, for licenses shall be made upon forms furnished by the City Clerk. The application shall be submitted to the City Clerk accompanied by a fee as set forth in Section 185 of this Code.

B. Each establishment license application shall describe the general nature of the business, the location, and any other information deemed necessary by the Health Department.

**Subd. 3. Location Restricted.** No individual shall engage in body art activities at any place other than a licensed establishment.

**Subd. 4. License Expiration.** Licenses issued pursuant to this code shall commence and expire on the dates indicated on the license.

**Subd. 5. Transfer and Display of License.** Only a person who complies with the requirements of this ordinance shall be entitled to receive a license. A license shall not be transferable as to person or place. A valid license shall be posted pursuant to Section 160 of this Code.

#### **745.05 Inspection and Plan Review.**

**Subd. 1. Inspection Required.** The Health Department shall inspect each body art establishment:

- A. Before issuing a license for a new establishment;
- B. As part of a construction or remodeling plan review;
- C. As part of a complaint investigation; or
- D. At least once a year for a routine inspection.

**Subd. 2. Construction Inspections.** The body art establishment shall be constructed in conformance with the approved plans. The Health Department shall inspect the body art establishment as frequently as necessary during the construction to ensure that the construction occurs in conformance with this ordinance. The Health Department shall conduct a final construction inspection prior to the start of operations and issuance of a license.

**Subd. 3. Access to Premises and Records.** The operator of the body art establishment shall, upon request of the Health Department and after proper identification, permit access to all parts of the establishment at any reasonable time, for the purpose of inspection. The operator shall allow review of any records necessary for the Health Department to ascertain compliance to this ordinance.

**Subd. 4. Interference with the Health Department.** No person shall interfere with or hinder the Health Inspector in the performance of its duties, or refuse to permit the Health Department to make such inspections.

**Subd. 5. Removal and Correction of Violations.** Operator(s) or technician(s) shall correct or remove each violation upon receipt of an inspection report giving notification of one or more violations of this ordinance in a reasonable length of time as determined by the Health Department. The length of time for the correction or removal of each such violation shall be noted on the inspection report. Failure to remove or correct each violation within the time period noted on the inspection report shall constitute a separate

violation of this ordinance. The Health Department may issue orders to halt construction or remodeling, or to take corrective measures to ensure compliance with this ordinance.

#### **745.06 Grounds for Closure.**

**Subd. 1. Violations.** If any violation of this Code exist, the operator(s) or technician(s) may be ordered to discontinue all operations of the body art establishment. Body art establishments shall only reopen with permission from the Health Department.

**745.07 Standards for Health and Safety.** No operator or body art establishment shall engage in body art activities without complying with the following regulations:

##### **Subd. 1. Facilities.**

A. Any new or remodeled establishment shall submit to the Health Department a to-scale establishment plan in sufficient detail to ascertain compliance with conditions in this ordinance, a plan review application and a plan review fee as set forth in Section 185 of this Code.

B. There shall be no less than one hundred fifty (150) square feet of floor space for each procedure area. The procedure area(s) must be separated from the bathroom, retail sales area, hair salon area, or any other area that may cause potential contamination of work surfaces. For clients requesting privacy, dividers, curtains, or partitions at a minimum shall separate multiple procedure areas.

C. Each establishment shall have a readily accessible handsink that is not in a public restroom and is equipped with:

- (1) Hot and cold running water under pressure;
- (2) No touch faucet controls such as wrist or foot operated;
- (3) Liquid hand soap;
- (4) Single use paper towels; and
- (5) A garbage can that is non-porous washable receptacle with a foot operated lid or no lid and a removable liner.

D. Every establishment shall have at least one available bathroom equipped with a toilet and a hand lavatory. The hand lavatory shall be supplied with:

- (1) Hot and cold running water under pressure;
- (2) Liquid hand soap;
- (3) Single use paper towels or mechanical hand drier/blower;
- (4) A garbage can that is non-porous washable receptacle with a foot operated lid or no lid and a removable liner;

- (5) A door that closes; and
  - (6) Adequate ventilation.
- E. The establishment shall have an artificial light source equivalent to 20 foot-candles at three feet above the floor. At least 100 foot-candles of light shall be provided at the level where body art procedures are performed, where sterilization takes place, and where instruments and sharps are assembled.
- F. All procedure surfaces shall be smooth, nonabsorbent and easily cleanable.
- G. All ceilings shall be in good condition.
- H. All walls and floors shall be free of open holes or cracks and washable. Carpeting may not be used in areas of body art procedures.
- I. All facilities shall be maintained in good working order.
- J. All facilities shall be maintained in a clean and sanitary condition.
- K. No establishment shall be used or occupied for living or sleeping quarters.
- L. Only service animals may be allowed in the establishment. No animals shall be allowed in the procedure area(s).
- M. Effective measures shall be taken by the operator to prevent entrance, breeding, and harborage of insects, vermin, and rodents in the establishment.

**745.08 Industry Self-Survey and Training Responsibility** Every licensee of a body art establishment shall arrange for and maintain a program of sanitation self-inspection conducted by the owner, operator, technician, or apprentice and approved by the Health Department. The self-inspection program shall include written policies, appropriate forms for logging self-inspections, and evidence that routine self-inspection of all aspects of the body art establishment takes place. Records of the body art establishment self-inspection program shall be available for review.

*History: Ord 2002-11 adopted 03-04-03; Ord 2010-16, 11-16-2010*

*Reference: M.S. Section 152.01; M.S. Chapter 182; M.S. Section 609.2246 and 29 CFR 1910.1030*